

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|---------------------------------------|---|------------|
| APPLICATION OF COLUMBIA GAS OF |) | |
| KENTUCKY, INC. TO EXTEND ITS GAS COST |) | CASE NO. |
| ADJUSTMENT PERFORMANCE BASED RATE |) | 2017-00453 |
| MECHANISM |) | |

ORDER

On January 31, 2020, Columbia Gas of Kentucky, Inc. (Columbia Kentucky) filed a motion pursuant to KRS 61.878(1)(c), KRS 61.878(1)(k), and 807 KAR 5:001, Section 13, requesting that materials filed in response to Commission Staff's Request for Information issued on January 16, 2020, be afforded confidential treatment for an indefinite period. Columbia Kentucky's motion specifically requested confidential treatment of its response to Data Request 9(b), Attachment D.

In support of its motion, Columbia Kentucky contends that the specified materials contain information generally recognized as confidential or proprietary, and that disclosure of the information would permit an unfair commercial advantage to competitors of Columbia Kentucky under KRS 61.878(1)(c).¹ Columbia Kentucky further contends that the specified materials contain information that reveal fruits of negotiations, competitive terms, rates, and bids with suppliers.² Specifically, Data Request 9(b), Attachment D, contain the actual winning bids with supplier names included. Columbia

¹ Motion of Columbia Gas of Kentucky, Inc. for Confidential Treatment of Response to Staff Data Request Dated January 16, 2020 (filed Jan. 31, 2020), at 2.

² *Id.*

Kentucky asserts that the disclosure of the material could cause substantial competitive harm to it and its suppliers.³

Having carefully considered the motion and the materials at issue, the Commission finds that the designated materials for which Columbia Kentucky seeks confidential treatment are records that are generally recognized as confidential or proprietary, and which, if openly disclosed, would permit an unfair commercial advantage to competitors, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Columbia Kentucky's motion for confidential protection for designated materials contained in the response to Commission Staff's Request for Information issued January 16, 2020, is granted.
2. The designated materials shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this Commission.
3. Use of the materials in question in any proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. Columbia Kentucky shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, Columbia Kentucky shall have 30 days from receipt of written notice of the request to demonstrate that the materials still fall within the

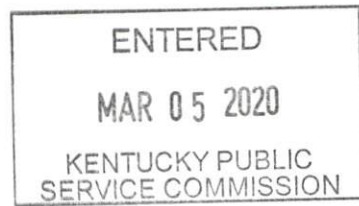
³ *Id.*

exclusions from disclosure requirements established in KRS 61.878. If Columbia Kentucky is unable to make such demonstration, the requested materials shall be made available for inspection.

6. The Commission shall not make the requested materials available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Columbia Kentucky to seek a remedy afforded by law.

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By the Commission



ATTEST:



Executive Director

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